

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JO ANN HOWARD & ASSOCIATES, P.C., )  
et al., )  
 )  
Plaintiff(s), )  
 )  
v. )  
 )  
J. DOUGLAS CASSITY, et al., )  
 )  
 )  
Defendant(s). )

No. 4:09CV01252 ERW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Court's *in camera* review of Non-Party BMO Harris Bank, N.A.'s Documents 4-7, 15, 19, and 21-23, as listed in their privilege log. The Court makes the following rulings.

1. Document 4 shall be produced in its entirety. It is not privileged because it concerns only underlying facts and the communication does not reflect privileged advice from an attorney.
2. Document 5 shall be produced in its entirety. It is not privileged because it concerns only underlying facts and the communication does not reflect privileged advice from an attorney.
3. Document 6 shall be produced in its entirety. It does not reflect privileged advice from an attorney.
4. Document 7 shall be produced in its entirety. It is not privileged because it concerns only underlying facts and the communication does not reflect privileged advice from an attorney.

5. Document 15 shall be produced in its entirety. It is not privileged because it concerns only underlying facts and the communication does not reflect privileged advice from an attorney.

6. Document 19 shall be produced in its entirety. It is not privileged because the communication does not reflect privileged advice from an attorney.

7. Document 21 shall be produced with redactions. Section III, Parts A, B, C, and D on pages 70-71 of the document shall be redacted, because they contain legal advice. The remainder of the document is not privileged and shall be produced.

8. Document 22 shall be produced in its entirety. It is not privileged because it concerns only underlying facts and the communication does not reflect privileged advice from an attorney.

9. Document 23 shall be produced with redactions. Section I, Part B shall be redacted, because it contains legal advice. The remainder of the document shall be produced.

BMO Harris shall produce these documents to Plaintiff within five business days of this order.

So Ordered this 23rd Day of August, 2018.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE